November 23, 2010

Tom Clingman
Policy and Legislative Lead
Ecology Shorelands & Environmental Assistance Program

Mr. Clingman,

We understand that Governor Gregoire has ordered all State agencies to identify and suspend all "non-critical" rulemaking. Ecology is currently processing rule amendments to WAC 173-26, State master program approval – Amendment procedures related to "limited amendments" to shoreline master programs. It's important to Everett that you continue to process these amendments. These amendments clarify the submittal requirements and approval criteria for non-comprehensive updates to shoreline master programs. Since our comprehensive update in 2003, Everett has processed several limited amendments such as those related to implementing the terms of the settlement on the appeal of our SMP, providing for transportation facilities of statewide significance, the redevelopment of the Port of Everett North Marina, and amending floodplain regulations and maps as required by FEMA.

In response to a Biological Opinion issued by NOAA, FEMA is updating floodplain maps and associated model ordinance language. Many jurisdictions will be required to update floodplain maps and amend regulations by September of next year to be eligible for flood insurance, and to have protection under the Endangered Species Act. Since the floodplain maps and regulations are incorporated into our shoreline master program, we will be required to complete a limited amendment for those revisions. Everett is also working on restoration actions on the City's riverfront properties that will result in changing shoreline jurisdiction. The restoration actions, including relocating streams to their natural location will result in moving shoreline jurisdiction boundaries. We plan to amend the shoreline master program to address those changes following restoration. We need to make sure that the procedures and criteria for approval of limited amendments are clear. We fully support the proposed changes to WAC 173-26 and encourage Ecology to continue processing the rule.

Sincerely,

Allan Giffen
Director